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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 3743 OF 2007

Ramgonda @ Sharad Balgonda Patil .. Applicant

V/s

State of Maharashtra .. Respondent

Mr.S.M. Mirajkar for the applicant.

Mr.D.P. Adsule, A.P.P. for the State.

CORAM : D.G. KARNIK, J.

DATE : 26TH NOVEMBER 2007

P.C. :

1. Heard learned counsel for the petitioner and the learned A.P.P. for the State.

2. This application under section 438 of Cr.P.C. is made in connection with C.R. No.230 of 2007 registered with the Sangola Police Station for the offence punishable under sections 306, 503, 506 read with 34 of I.P.C.

3. The case of the prosecution in short is that the

complainant's father (hereinafter referred to as "the deceased") was a creditor and the present applicant owed a sum of Rs.80,000/- to the deceased. The deceased demanded money from the applicant several times but the applicant did not make the payment. On the other hand, the applicant instigated two labourers of the deceased to leave the employment. The deceased went to the applicant for demanding his money. The applicant and the other persons, who also owned money to the deceased, abused the deceased and threatened him. On account of their abuses and threats, the deceased committed suicide on 22nd October 2007. The applicant is therefore responsible for abetting suicide of the deceased.

4. The offence alleged to have been committed by the applicant is not punishable with death or imprisonment with life. The offence alleged is abetment of the suicide and that abetment is alleged to have been caused on account of non-payment of the money due. In the circumstances, taking an overall view of the matter, it would not be necessary to detain the applicant in prison pending investigation. The applicant is therefore entitled to an anticipatory bail. In the circumstances, I pass the following order:-

ORDER

In the event of the applicant's arrest in connection

with crime registered under C.R. No.230 of 2007 of the Sangola Police Station, the applicant shall be released on bail on personal bond of Rs.50,000/- with one or two sureties to make up that amount subject to the following conditions:-

(a) The applicant shall make himself available for investigation and shall attend the police station on every Monday between 10.00 a.m. and 11.00 a.m. and further whenever required by the police till the charge-sheet is filed.

(b) The applicant shall not make any inducement nor shall give any threats to any of the prosecution witnesses and shall not in any manner tamper the prosecution witnesses.

(c) The anticipatory bail shall come to an end on filing of the charge-sheet and the applicant shall thereafter be entitled to apply for regular bail which the Sessions Court shall consider on its own merits.

(D.G. KARNIK, J.)